



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Ans

MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/334,185 06/16/99 LIEBENOW

F GW98-0769/34

EXAMINER

024333 WM01/0814
GATEWAY, INC.
ATTN: KENNETH J. COOL
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY SD 57049

BULK	ART UNIT	PAPER NUMBER
------	----------	--------------

2611
DATE MAILED:

08/14/01

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Go

1- File Copy

Office Action Summary

Application No.

09/334,185

Applicant(s)

Liebenow

Examiner

Krista Bul

Art Unit

2611



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jun 10, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-19 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

Art Unit: 2611

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

This is a non-final Office Action in order to incorporate the newly found Schein '909 reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Schein et al. (U.S. Patent No. 6,133,909).

Regarding claim 1, Schein '909 discloses an embodiment (figure 12) where the user watches a "given" program and the system identifies other "related" programs as described at column 13, line 49 - column 14, line 10. The system develops a "search criteria" based on the current program the user is viewing and searches for related programs by checking the data indicative of the related programs. Clearly, the system must have the program information for all programs in order to be able to access the correct matches. The limitation regarding "performing

Art Unit: 2611

an event” based on the “related program” reads on the disclosure at column 14, lines 1-10 where Schein ‘909 discloses either the user selecting the related program, setting a reminder, or recording the related program.

Regarding claim 2, see column 4, lines 1-10 where Schein discloses that such data in downloaded to the EPG.

Regarding claims 3 and 4, see column 14, lines 1-10 where Schein discloses that the user can be prompted to select or record the related program.

Regarding claim 5, Schein discloses that the all programs have certain characteristics appended or associated with each given program (see column 10, lines 8-41). Claim 5 requires the “subset” of information be appended to the given program. In Schein, as disclosed at columns 13-14, the current program being watched by the user is analyzed for the data relevant to that program (actor, title, etc.). Then, the system uses this information to check for other related programs *which have the same type of data associated with them*. Therefore, the limitations of claim 5 are satisfied by the disclosure at columns 13 and 14 of Schein.

Claim 6-8 and 10 are related to claims 1-5 and are analyzed as previously discussed with respect to claims 1-5. Additionally, the claimed system and “program of instructions” are shown in figure 1 where the program is contained within hard drive 14.

Regarding claim 9, see VCR 39 in figure 1 and the disclosure at column 14, lines 1-10.

Art Unit: 2611

Claim 11-15 correspond to claims 1-5 and are analyzed as previously discussed with respect to claim 1-5. In addition, Schein discloses the “computer readable medium” as hard drive 14 in figure 1.

Claims 16-19, correspond to claims 1-5 and are analyzed as previously discussed with respect to claim 1-5. In addition, these claims read on sending the computer instructions on a “signal”, i.e., downloading the instructions to the computer. See column 4, lines 8-19.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Killian (US 6,136,316) discloses recording all instances of a given program, e.g., M*A*S*H* each time the program is aired (see column 15).

Hendricks (US 5,798,785) discloses an EPG with a suggestion module which suggests other programs of interest to a viewer.

Schein (US 6,247,176) discloses recording all future airings of a given show (see column 6, lines 7-19).

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Art Unit: 2611

or faxed to:

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)

Or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").


Hand-delivered responses should be brought to Crystal Park ID, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Krista Bui
Art Unit 2611
August 12, 2001


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600